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INTELLIGENCE REPORT

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Testimony on FOIA Presented By AFIO and ACLU Representatives

In our August issue we reproduced extensive excerpts from the testimony of five of the key witnesses before the Senate Intelligence Committee and the Senate Judiciary Subcommittee on the Constitution, directed to proposed amendments to the Freedom of Information Act. These included the testimony of the Justice Department, the Department of Defense and the CIA. This is one of the most important issues currently before Congress bearing on the law and national security. In the pages that follow we present excerpts from the testimony before the Senate Intelligence Committee by the Association of Former Intelligence Officers and the American Civil Liberties Union.

Excerpts from the statement of ***John M. Maury,*** *President,* ***Association of Former Intelligence Officers,*** *before the Senate Select Committee on Intelligence, July 21.*

The issue addressed by S.1273—the application of the Freedom of Information Act (FOIA) to our intelligence operations—is a serious one. I would like to speak of it on the basis of 40 years of military and civilian service in the area of national security. These include 28 years in CIA, chiefly in Soviet operations, followed by a stint as assistant secretary of Defense. But today I am here as president of the Association of Former Intelligence Officers (AFIO)—some 3,000 veterans of the military intelligence services, the CIA, the FBI, the NSA, the State Department and other intelligence entities. With me is AFIO's legal advisor and former general counsel of CIA, John S. Warner. . . .

Justification for S.1273 was clearly documented by Senator Chafee in his remarks made on May 21, 1981, when he introduced this bill. I want to say at the outset that we support this effort to relieve the Central Intelligence Agency and other elements of the intelligence community of the serious concerns in complying with the Freedom of Information Act. But more importantly there is a need to repair the substantial damage already wreaked on our intelligence efforts by FOIA. There has already been direct testimony by CIA, NSA and the FBI that sources of information, agents, and foreign intelligence services have refused to cooperate because of their fears and lack of confidence that our intelligence agencies can keep such relationships truly confidential because of the Freedom of Information Act.

We think it most appropriate that this proposed legislation, designed to improve our intelligence activities, should be in the form of an amendment to that provision in the Central Intelligence Act of 1949 which implements further the proviso of section 102(d)(3) of the National Security Act of 1947. That proviso imposes on the Director of Central Intelligence responsibility for protecting intelligence sources and methods from unauthorized disclosure. Indeed, this proposed legislation

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Treasury Department Assesses Handling of Reagan Shooting

The Treasury Department on August 19 released the text of a 101 page "Management Review" of the handling of the attempted assassination of President Reagan. In general the report found that all of the Treasury agencies performed well under the circumstances, but that the circumstances themselves were highly favorable. In order to cope with similar situations that may occur under less favorable circumstances, the report recommended a number of procedural improvements and changes in the Freedom of Information Act and the FBI guidelines designed to enhance the FBI's domestic intelligence capabilities, on which the Secret Service relies heavily. Because we know that this will be of interest to our readers, we reproduce below the essential portions of the Executive Summary of the Treasury report.

Shortly after the attempted assassination of the president on March 30, 1981, Secretary of the Treasury Donald T. Regan directed the general counsel of the Treasury to prepare a report on the performance of Treas-

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will for the first time grant the DCI authority to carry out this statutory mandate. As such an amendment we would also like to suggest that the title in S.1273, "Intelligence Reform Act of 1981" is not an accurate description of its thrust. As we view the bill, it conveys a positive authority to intelligence enabling it to hold securely its legitimate secrets. The negative connotation of "reform" should be modified. We recommend that no title is necessary in a modest sized bill of this nature.

There are, however, three specific problems which we believe warrant consideration by this committee. These are caused by provisions of the Freedom of Information Act which provide:

1. Unrealistic time limits;
2. Privileges to any persons and groups, including convicted felons and representatives of hostile intelligence services;
3. *De novo* review by the courts of Executive Branch classification.

I shall discuss each of these briefly.

As to time limits, the present FOIA provisions (such as the 10-day deadline for initial agency response) have proved so unrealistic as to make it virtually impossible for the agencies to comply. Failure of the agencies to meet these deadlines enables the requestor to file suit in a federal district court. The courts have recognized the practical dilemma and on the whole have not penalized the agencies. Nevertheless, in many cases, the requestor has immediately filed suit. These requests are clearly designed to assure inability of the agencies to meet the 10-day deadline—the requestor obviously wanted to be in court at the earliest possible time. In any event, we believe patently unrealistic time limits should not be in law. Congressional action is overdue to modify a law with which most government agencies find it impossible to comply.

Secondly, the law extends to *anyone* the right to invoke Freedom of Information Act provisions. The legislative history of that Act makes clear that one of its major justifications was that the opportunity to obtain information is essential to an informed electorate. This is undoubtedly true, but why permit foreigners the privileges designed to foster an informed American electorate? It seems to us the ultimate absurdity to accord foreign agents the legal authority to demand information from our intelligence files. We do not believe it was the intent of Congress to authorize the head of the KGB to request documents from the CIA and then to file suit in U.S. courts to enforce his request. A substantial burden is also put on the FBI to deal with requests from convicted felons in prison. FBI testimony has demonstrated clearly serious damage to its ongoing investigations and informant network.

Thirdly, *de novo* review by the judiciary was added to the law by the 1974 amendments in direct response to the Supreme Court's decision in *EPA* v. *Mink* which held that under the then-existing law, the judiciary had no authority to question or overrule an Executive Branch determination that a matter was classified and could not be publicly disclosed. Primarily because of the *de novo* review provision, the enrolled bill containing these amendments was vetoed by President Ford who said in his veto message that " . . . the bill as enrolled is unconstitutional and unworkable . . ." In current litigation, the Reverend Moon's "Unification Church," a corporation, has requested documents, and the U.S. District Court, after trial and examination *in camera* of CIA documents and affidavits, has ordered the release of portions of five documents. No reasons were given by the judge in ordering release other than his bland statement that "In a few instances the Agency's claims are overly broad." In other words, the experience and expertise of the Executive Branch can be overruled by a federal judge who simply disagrees. Intelligence responsibility constitutionally is reposed in the president as commander-in-chief and pursuant to his responsibility for foreign affairs. This *de novo* review provision is so repugnant to our Constitution that it should be removed from the law.

We have just discussed three most serious areas of concern which will not be reached by S.1273. While the partial relief to be afforded by that bill would be a distinct improvement, we do not believe it is sufficient. In addition to the three specific areas discussed earlier, we would be left with the problem of the perception of informants, agents, and foreign intelligence services that while there has been some modification of the FOIA problem, it has not been solved. Thus, the damage already suffered by intelligence is not truly repaired . . .

For those Americans who wish to know about files maintained on them, the provisions of the Privacy Act afford ample legal access. As to historians and scholars, the provisions of E.O.12065 offer an appropriate mechanism to reach information needed for study and research. It has been asserted by certain organizations that there are long lists of books and articles of public interest supposedly based on information released by intelligence agencies under FOIA that could not have been published without that law. Analysis indicates that such claims are highly exaggerated, since most released information is fragmentary and not fundamental and cohesive.

We have given considerable study to the question of how to deal with the adverse effects on intelligence of FOIA. Clearly the Act itself needs substantial modification, but this committee and we are primarily concerned with its impact on the intelligence community. It is our conclusion, after studying other proposals, that only S.1273 attacks problems which FOIA creates for the intelligence community head on by amending substantive intelligence legislation. We believe this is the approach best calculated to protect and enhance our intelligence capability . . . On balance, then, it seems that the best course to accomplish this purpose would be a simple

exemption of CIA, NSA and the FBI, and such other intelligence components as the president may designate from the provisions of the Freedom of Information Act.

The gains for our intelligence effort from such an exemption would be extremely significant. Also, there would be an enormous saving of taxpayer dollars now devoted to non-productive and often fruitless effort . . .

What is at issue here is that the basic secrecy upon which all intelligence operations must depend has not changed since General Washington wrote to Colonel Elias Dayton about an intelligence operation 204 years ago this week: " . . . upon Secrecy, Success depends in most Enterprizes of the kind, and for want of it, they are generally defeated, however well planned . . . "

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Excerpts from the statement of ***Mark H. Lynch*** *and* ***Allan Robert Adler,*** *staff counsel,* ***American Civil Liberties Union,*** *before the Senate Select Committee on Intelligence, July 21.*

The ACLU, through its Center for National Security Studies, has carefully analyzed the arguments put forward by the CIA for exemption from the FOIA. That study leads to the following conclusions:

— The intelligence community has ample authority under the current FOIA to protect classified information and intelligence sources and methods. Indeed the CIA has used the Act effectively and to date not one sentence has been released to the public under a court order in circumstances where the CIA has argued that release could injure the national security.

— The problem as the CIA candidly admits is really one of "perception" or "misperception" on the part of foreign intelligence officers and foreign sources of information that secrets are not protectable under the FOIA. But this misperception cannot be solved by amending the FOIA since the perception is also based on the reality of leaks, lapses in security, congressional oversight, the publication of CIA memoirs (censored and uncensored), civil lawsuits, CIA abandonment of its agents and allies in Vietnam and elsewhere, and other factors having nothing to do with the FOIA. In light of all of the ways in which CIA information is from time to time actually compromised, it is unwarranted to focus on the phantom factor that federal judges will irresponsibly reveal information.

— More important, the CIA understates the adverse impact of the exemption on the public's right to know. Considerable amounts of information regarding CIA and other intelligence operations have been released by the CIA under the FOIA. Through the FOIA, the public has learned more about the Bay of Pigs invasion, mind-drug experiments, and CIA spying on Americans. Much of the information was not included in congressional reports on the CIA and some of it makes clear that CIA operations were more extensive than official investigations had indicated.

— Congressional oversight is no substitute for public accountability of the CIA under FOIA. The CIA says it is willing to give all information to the Congress for purposes of oversight and that this is further reason for granting the exemption. Yet disclosures under the FOIA have shown that the CIA did not turn over all information about past operations to the Congress and congressional committees have not always made relevant information available to the public. The FOIA has independently added to the public record of the agencies . . .

The ACLU, primarily through the Center for National Security Studies, has made extensive use of the FOIA in seeking to learn about the activities of the CIA and other intelligence agencies and to supplement the information provided to congressional committees and made public by those committees.

On February 19, 1975, when the 1974 amendments to the FOIA went into effect, CNSS filed some five requests with the CIA. A few months later, CNSS filed four lawsuits for documents withheld by the CIA and other agencies. Since then we have made more than 50 requests and filed some 15 lawsuits on behalf of CNSS and other groups through our litigation project, the ACLU Project on National Security. We regularly review documents released by the CIA and other agencies to determine what new information they contain. Summaries are printed in the CNSS monthly, *First Principles,* and in a CNSS report, *From Official Files,* which is regularly updated and widely reprinted . . .

We also make use of documents released under the FOIA in litigation and in testimony which we present regularly at the requests of a number of congressional committees including this committee and its House counterpart. The documents are also used in CNSS reports and in books and articles written by the CNSS staff.

Put simply, the FOIA is essential to the activities of CNSS and the ACLU Project on National Security. The amendment proposed in S.1235 — indeed any amendment which did not provide for full judicial review — would be fatal to the effective functioning of CNSS and we believe to all efforts on the part of citizen groups to monitor the activities of the CIA and to participate in the process of developing charters and monitoring compliance with them . . .

Prior to 1975, the CIA was essentially exempt from the FOIA . . . The Agency was essentially free to determine what to release and what not to release. What it released was essentially self-serving.

For example, in one of his few public statements, CIA Director Richard Helms told the American people that the CIA did not spy on Americans; he repeated the same information before the Senate Foreign Relations Committee. When he made those statements there was no way that anyone could test their accuracy.

One of the first documents which CNSS requested was the so-called Vail Report prepared by William Colby, then the CIA director, for President Ford, describ-

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ing the CIA's surveillance of Americans in light of the *New York Times* story reporting what it called a massive illegal surveillance program. After the CIA refused to release a word of the report or its appendices, the Project filed suit. On the eve of a deposition of a senior CIA official, the entire report was released.

When asked at the deposition why the CIA had believed that it could withhold the entire report, the CIA official explained candidly that it was the "policy" of the Agency not to discuss its activities in the United States or its surveillance of Americans. That "policy" ended that day. It would, we suggest, be reinstituted the day that Congress passes the kind of sweeping amendment that the CIA seeks.

One of the things which suggests that the CIA would revert to its old ways is its continued refusal to release material related to the surveillance of Americans unless it is specifically demanded under the FOIA. One very recent example will suffice.

Executive Order 12036, under which the CIA conducts surveillance of Americans, requires the agencies to develop implementing directives and secure approval for them from the attorney general. The CIA drafted such guidelines and they were approved in August of 1979. Yet despite the fact that the guidelines are unclassified, the CIA neither made them public nor even announced they existed. When asked to release them, the Agency declined to do so until a formal request was made under the FOIA. Even then the Agency did not release all of the guidelines — a matter we are continuing to explore with the Agency . . .

Finally, we wish to underscore the essential role which judicial review plays in the process. It is not that courts will often or even perhaps ever order the Agency to release material. Rather it is that the knowledge that a judge may examine material *in camera* leads the Agency, its attorneys, and the Justice Department attorneys, to take a hard look at the requested material and to decide if its withholding is really justified. In requiring such judicial review in 1974, Congress took a great step forward. The record since then amply demonstrates the importance of that change in the law and there is nothing in the record to show that it has harmed the national security . . .

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Editor's Note: As is always the case in our law oriented society, the final arbiter between the opposing views expressed above by AFIO and the ACLU must be resolved by the Congress of the United States. The Congress created the CIA and the NSA in an attempt to give the United States an effective national intelligence system, so necessary to the security of the country. It must, therefore, pay particular attention to the testimony of those who operate the system of the effect of FOIA on the system's efficiency. In that regard, certain statements of Admiral Inman, deputy director of Central Intelligence, before the Senate Select Committee on Intelligence, merit special attention:

> I am convinced that there is an inherent contradiction in the application of a statute designed to assure openness in government to agencies whose work is necessarily secret, and that the adverse consequences of this application have caused intelligence functions to be seriously impaired without significant counterbalancing of public benefit.
>
> In most other government agencies the review of information for possible release under the FOIA is a routine administrative function; in the Central Intelligence Agency it can be a matter of life or death for human sources who could be jeopardized by the release of information in which their identities might be exposed.
>
> I also believe that the time has come for Congress to face the issue squarely and definitively, and to recognize that only a total exclusion of records created or maintained by the Central Intelligence Agency and the National Security Agency from all of the Freedom of Information Act's requirements can, by completely eliminating the need to search and review records in response to FOIA requests, end the wasteful and debilitating diversion of resources and critically needed skills, eliminate the danger of court-ordered release of properly classified information, and regain the confidence of human sources and foreign intelligence services.

That testimony by Admiral Inman puts the case for the intelligence community in a nutshell. It is now up to the Congress to decide whether the relief he requested will be granted, and that's the way it ought to be.

Reagan Shooting Assessed

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ury Department agencies in connection with this incident, including "the adequacy of procedures, facilities, and personnel for (i) ascertaining the existence and assessing the seriousness of threats to the president, (ii) protecting the president in his public activities, and (iii) responding promptly and effectively to this and similar incidents . . ."

Among the principal conclusions and recommendations of the report are the following:

1. The protective responsibilities of the Secret Service have been expanding in recent years while budgetary restraints have reduced the number of special agents available for protective duty. Congress should consider an increase in the authorized number of special agents and a commensurate increase in the appropriations to the Service for the salaries and expenses of these agents.

2. As an agency headed by a career official, the Secret Service should be subject to increased outside supervision. This supervisory role, recommended by the Warren Commission, should remain with the Assistant Secretary

of the Treasury for Enforcement and Operations but should be enhanced to include periodic review of the Service's policies, priorities and organizational structure.

3. In the event of an attack on the president, Service procedures rely on the head of the president's security detail to request a build-up of security personnel around the president. This was the procedure followed at George Washington University Hospital on March 30, 1981. Since the full dimensions of a threat may not be known to the principal agent on the scene, the report suggests that the prudent course would be to adopt procedures which require an immediate increase in security around the president in the aftermath of a threat; the number of agents can then be reduced later as the extent of the threat is more fully assessed.

4. The Service relies on other governmental agencies, including agencies at the state and local levels, to furnish information on individuals and groups which may be of assistance in protecting the president and others. This informal process has inherent limitations and, for the following reasons, is not working as well as it might:

— legislation on privacy and information access has made sources reluctant to furnish information they had voluntarily provided in the past;

— a recent decline in information furnished by the FBI, probably attributable to the impact of the Attorney General's Domestic Security Guidelines on the FBI's domestic intelligence activities, has also reduced the amount of useful information available to the Service;

— the Service has not effectively used its Liaison Division to develop sources of intelligence or to monitor the effectiveness of existing sources; and

— the Service has not developed an in-house capability to use modern statistical analysis and automated data processing facilities to derive maximum utility from the information it has in its possession.

The report recommends that the Service be given an executive mandate, perhaps in the form of an executive order, to require greater assistance from federal agencies; that consideration be given to narrowing the scope of privacy and information access laws as they apply to information furnished to the Service; that consideration be given to permitting the FBI to expand its domestic security investigations; and that the Service's Liaison Division be reconstituted as a branch of the Intelligence Division.

5. The details of procedures for protecting the president are frequently negotiated between the White House staff advance team, which wants to give the president maximum exposure to press and public, and the Secret Service advance group, which is principally concerned with security. These discussions, always *ad hoc*, produce uneven protective arrangements. The report recommends that the Service and the White House staff advance group agree on a detailed set of protective procedures for the president, including such matters as whether prior notice of presidential trips will be provided, the extent to which unscreened members of the public will be able to get close enough to the president to threaten his security, and the circumstances under which the president will make himself available for questions from the press.

6. The special agents in the president's protective detail on March 30—most notably Special Agents Jerry Parr, Tim McCarthy, D.V. McCarthy and Ray Shaddick — reacted in precisely the manner required by their training and applicable procedures of the Secret Service to cover and evacuate the president. The report recommends that these four agents receive special awards and recognition for their exemplary performance.

7. The president's chances of surviving any future attempt on his life would be enhanced by the presence of a paramedic team in his entourage, by a more complete security survey of the hospital designated for emergencies, and by the presence of his medical records at the hospital or in his limousine.

8. The Service's procedures for increasing security for the vice president in the event of an attempt on the life of the president should be reviewed and made more specific, and the security of communications with the vice president's travelling party should be enhanced.

9. The Bureau of Alcohol, Tobacco and Firearms was able promptly to trace the weapon used in the attack on the president — a capability which would assume even more importance if a suspect had not been immediately apprehended at the scene. However, the Bureau's tracing ability is largely limited to periods when manufacturers, wholesalers and retailers of firearms are open for business. The report recommends that consideration be given to methods or mechanisms, acceptable to Congress, which would enable the Bureau to effect gun sales traces during non-business hours.

10. Current law may permit the secretary of the Treasury, through the Customs Service and for limited periods, to control arrivals and departures of conveyances from airports and other United States ports of entry. The report recommends that an existing executive order be amended to permit the secretary, in coordination with the Departments of State and Justice, to develop procedures which could prevent the escape of assailants from the United States in the immediate aftermath of an attempt on the life of the president.

11. Procedures should be put in place for the prompt notification of successors to the presidency and other cabinet level officials in the event of an attempt on the life of the president. These procedures should be implemented by the White House Communications Agency.

Interview Given by First Defector From Arbatov's "American Institute"

Editor's Note: Galina Orionova is a recent defector from Georgy Arbatov's American Institute. Arbatov, readers may recall, was the one Secretary Haig barred recently (by refusing to extend his visa in this country) from appearing in debate on a Voice of America program, presumably to deny him a propaganda platform. Some Sovietologists have labeled the American Institute as the Department of Disinformation with respect to the United States.

According to Robert Moss, co-author of The Spike, *Galina is the sharpest, best dressed and best looking defector ever from the Soviet Union and the first from the Arbatov Institute (ISKAN). Our interviewor (again Leonid Finkelstein) confirms Robert's judgment.*

Galina is now a Research Fellow sitting for a graduate degree at St. Antony's College, Oxford. Asked why she defected when she had such a brilliant career before her, she replied to Leonid, in words similar to those used by so many other defectors, that there is no personal freedom in the Soviet Union. Educated Soviet citizens, therefore, have no place to go, she averred, except to remain as cynical non-believing slaves of the system with the aim of becoming members of the privileged elite, or escape to the freedom of the west.

Miss Orionova will be lecturing in this country in September and October under the auspices of a consortium, including the Smithsonian Institution.

Q. For several years you were working for the Institute of Research on the U.S. and Canada in Moscow where Professor Arbatov is in charge. By way of background, could you tell us something about your experience in the Arbatov Institute?

A. In 1969 I was graduated from Moscow University (Department of History). In October of the same year I passed the examinations for postgraduate studies at ISKAN (the Russian abbreviation of the Institute's full name). To get permission for sitting the exams was not easy; friends fixed it for me. Arbatov himself is known as an "anti-feminist;" he much prefers male researchers. Yet, after my first year at the Institute I became a junior research assistant. In 1975, I presented my thesis on the topic of "American-Japanese Relations in the Nixon Years."

Georgy Arkadjevich Arbatov became the head of the newly formed ISKAN in February 1968. Before that he was in charge of a section in the Communist Party Central Committee staff in Moscow. Throughout the first year of its existence the Institute belonged to the Central Committee of the CPSU but in 1969 it was placed under the administration of the Academy of Sciences. This sounded much more agreeable for most of the foreign scholars who now could consider ISKAN employees their "colleagues." Although Arbatov authored only one book—*The Ideological Struggle at the Present Time* published in 1972 or 1973 — he was quickly "elected" a full member of the Academy. Simultaneously, at the XXIV Congress of the Communist Party, he became a member of the Audition Committee of the CPSU Central Committee and at the next, XXV Congress, was promoted to the rank of a Candidate Member of the Central Committee itself. At about the same time he was "nominated" as a candidate to the Supreme Soviet of the U.S.S.R. (the Russian "Parliament") and duly "elected." It was, by any standard, a meteoric career.

At the beginning of the period of *detente* Arbatov was rumoured to be one of the creators of that new policy concept and enjoyed a great deal of influence. He had the ear of Brezhnev himself. With the subsequent cooling of U.S.-U.S.S.R. relations, however, his influence started falling very rapidly. His Institute also suffered some decline. Of all ISKAN departments only two kept bringing political dividends — those dealing with Far Eastern policy and with the agricultural policy of the United States.

Until 1972, the staff of the ISKAN included Anatoly Gromyko, the son of the Foreign Secretary and Politbureau member Andrei Gromyko. Now he is in charge of his "own" institute — the Institute of Africa.

In 1979, the staff of the ISKAN totalled 380 (in 1968 it had only 70). I enclose a chart of the ISKAN departments which I drew from memory. [Note: The chart provided by Ms. Orionova is not included in our *Intelligence Report* but if any of our readers would like to have a copy, we will send xeroxes.]

Q. Could you give us some idea of the overall scope of the Arbatov operation — its size, its financial support, the degree of compartmentalization, the major areas of emphasis at the time of your defection?

A. The ISKAN is financed through the Academy of Sciences of the U.S.S.R. The salaries of the Institute employees vary from a meager sum of 85 roubles a month to 600 roubles for the heads of departments. Arbatov's nominal salary in 1979 was 650 roubles a month. In the Military department where all members of the staff are army officers, they also receive supplementary payments according to their ranks. The KGB "official" representative at the Institute — he is known as "the learned secretary on foreign relations" — draws only 220 roubles a month. However, the head of the American Ideology department, Radomir Bogdanov (600 roubles), is also a KGB lieutenant-colonel.

By 1979, the most prominent department became that of U.S. Foreign Policy. Its head, Dr. Genrich Trofimenko, enjoyed some favour and a great deal of attention from many American officials and journalists. He is said to "know how to talk to them."

The ISKAN publishes its own periodical, a magazine called *USA – Economy, Policy, Ideology.*

The Middle East section concentrates its effort on Israel and only recently started paying attention to Iran. There used to be at the Institute a separate section on Crisis Situations but then it was turned into the Third World section.

Q. Presumably, the expertise of the Arbatov Institute is used to service both the Politbureau and the KGB. What can you tell us about the nature of this cooperation?

A. There are two "points of view" expressed by the ISKAN along two different channels: the official, or the

Party view which is reflected in the Institute's open publication, and the "factological" point of view which is closer to world realities but is expressed only in exchanges between trusted ISKAN employees and in the confidential reports and research papers prepared for the Foreign Office (the Ministry of Foreign Affairs), the CPSU Central Committee and the KGB. If a report thus prepared gets a favourable response "from on high," its compilers may receive a bonus—but no more than one monthly payment a year. I do not remember a single paper directly sent to, or prepared on request of, the Politbureau itself.

Q. Has the Arbatov Institute been directly involved in any of the disinformation operations targeted against the United States?

A. Disinformation of foreigners, particularly of the Americans, is the first duty of every ISKAN employee. "How to work with foreigners" is the topic of continuous instruction. If a staff member travels to the U.S., he is carefully briefed to make propaganda in a quiet, rational tone, without any sloganeering, and as humanly as possible. He must speak a "common language" with his American counterparts — but at the same time always offer them political concepts and ideas which may be important to the Soviet Union at the given time.

There is in the U.S.S.R. the Bureau for International Youth Tourism, called *Sputnik*. It belongs to the *Komsomol* (Communist Youth Organization), but some years ago the ISKAN employees started travelling with the *Sputnik* tourist groups abroad to handle "public relations" on behalf of the group. They are conducting active disinformation using the above mentioned methods. It was considered a success.

Q. Did you ever hear talk about the "resource war," that is, a strategy designed to progressively deny the United States and the free world access to vital raw materials?

A. The "resource war" constitutes an important part of the ISKAN activity. For many years the U.S.S.R., as an oil exporter, was in favour of the continuous rise of oil prices and nudged the Arabs, by all propaganda means, to charge more and more. During the last three years there were special conferences held on world resources — both at the ISKAN and at the IMEMO—the Institute of the World Economy and International Relations headed by the very influential academician Inozemtsev.

As for the American need for oil, the propaganda/disinformation line was worked out as follows: there are huge deposits of oil in America, including shale oil. But to extract oil from these deposits is at present rather expensive — and the greedy Americans do not want to work them. They prefer to bleed somebody else's oil resources and to buy cheap. Thus the U.S. sucks the world.

Yet another propaganda line refers to the continental shelf (and ocean bottom) deposits of various minerals, not only oil. According to that line, these deposits must be preserved for posterity and not prospected now. The true reason for this idea is the backwardness of the Soviet underwater technology and the very successful development of such technology in the west. At the same time the Soviet Union has no immediate need to explore its underwater resources and tries to deny the U.S. access to these important deposits.

While at the ISKAN, I heard rumours that special groups were formed by the U.S.S.R. in Angola and Namibia to be sent to South Africa and to settle there with the purpose of destabilizing and undermining that country. However, this was not the area of immediate ISKAN interest. They must know more about it in Mr. Gromyko's Institute of Africa.

Q. There must have been some papers and commentaries in the Arbatov Institute about the domestic programme against American intelligence agencies in the post-Watergate period. Do you recall the gist of any of these commentaries?

A. Watergate came to us at ISKAN as a shock. There were even suggestions that we had to stop talking of the weaknesses of American democracy and start talking of its strength. (Needless to say, such opinions were expressed within the framework of "factological" views only.) Afterwards, the events in the U.S. and the anti-CIA hysteria were closely followed and received a lot of pleasantly surprised attention. But I do not know of any "programme" to enhance the anti-CIA campaign. The prevailing official view was that "they were exposing and ruining themselves — let them."

Q. It has been suggested that many of those in the Soviet apparatus are not really ideologues but cynical bureaucrats. To what extent, in your opinion, is this true?

A. These days there are *no true believers in Communism among educated Soviet citizens* and we may only consider the degree of conformism or self-interest. The employees of ISKAN are no exception. The above mentioned anti-CIA campaign and post-Vietnam isolationism in America were personally depressing for some members of the ISKAN staff. I myself heard the following private comment: "Well, if they (the Americans) withdraw into their shell, the rest of the world will be laid bare for our (Soviet) plunder and banditry."

However, this personal cynicism should not be regarded too seriously. In practical work most of the ISKAN researchers would still try to please the bosses, never mind their own feelings. Otherwise, they know, their career would be ruined—and this career is their only hope for a better life (in material terms) and, possibly, for promotion into the true "elite" of the Soviet society — the chosen few who enjoy enormous privileges and dreamlike comfort.

Q. Is there any systematic pattern in the operation of the Arbatov Institute which persuades you that it is operating as a cog in a strategy designed to "bury" the free world, as Khrushchev threatened to do?

A. Khrushchev threatened to "bury" the free world in an ideological, Marxist sense, i.e., the "progressive" ideas of Marx and Lenin would overcome the "reactionary" capitalist values.* As far as this interpretation goes, the

*Editor's Note: This was the interpretation which Khrushchev himself subsequently placed on his famous "We shall bury you" statement in an effort to allay the fears generated internationally by the ominous quality of his remarks.

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Defector Gives Interview

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ISKAN is helping to implement Khrushchev's threat. Arbatov and his Institute are always looking for "progressive forces" in the west. Over the last few years they have been deeply involved in wooing the Socialist international leaders like Willy Brandt, Bruno Kreisky or Olaf Palme, playing whatever card they could — disarmament, nuclear-free zones, neutralism, anti-Americanism, problems of the third world, etc. It is probably partly ISKAN's achievement that Brandt, Palme and others visited Moscow and fraternized with Mr. Brezhnev after Afghanistan.

Chicago Civil Rights Cases Settled

Judge Susan Getzendanner, a Federal District Court Judge in Chicago, on August 11 issued a memorandum decision and order (Nos. 74 C 3268 and 75 C 3295) covering two civil rights class actions originally filed in 1974 and 1975 by the Alliance to End Repression and the American Civil Liberties Union against various governmental officials (but primarily against the FBI and the CIA). The plaintiffs included some 24 religious groups, political groups, community groups and civil liberties organizations.

The plaintiffs in both cases claimed that the defendants conducted surveillance of, and compiled dossiers on, their lawful political and other lawful activities; gathered information about plaintiffs by unlawful means, including warrantless wiretaps, break-ins and the unlawful use of infiltrators and informers; disrupted and harassed plaintiffs' lawful activities; and that such conduct violated the First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments.

The relief requested was a declaration by the court that the conduct complained of was unconstitutional and the issuance of an injunction prohibiting the continuation of such conduct. No damages were sought on behalf of plaintiff classes. (Certain of the plaintiffs asked for monetary damages against certain of the defendants, however.)

In both suits, the defendants denied all of the allegations of unlawful government intrusion.

The litigation proceeded over the years through many hearings, and included motions to dismiss, class certifications, and lengthy and voluminous discovery.

The court's orders ultimately resulted in the production of a massive number of documents. The court noted that the FBI furnished documents "at a rate substantially in excess of 1,000 pages per week . . . from mid-1977 through late 1980" and that these files totalling "several hundred thousand pages . . . reflect an extensive cross-section of FBI domestic intelligence activities in Chicago during the period 1940 through 1980." The CIA furnished "hundreds of pages of CIA documents," including "the CIA's relationship with the Chicago Police Department . . . the CIA files on 30 of the 32 named plaintiffs (the CIA had previously furnished named plaintiffs Socialist Workers Party and Young Socialist Alliance their CIA files . . .), (and) the CIA files on plaintiffs' counsel."

The court noted that, in addition, the plaintiffs had the benefit of other FBI and CIA documents, "including FBI and CIA files obtained in other lawsuits and under the Freedom of Information Act . . ."

The parties negotiated settlements with the court's approval in a negotiating process which took more than a year. The proposed settlements were signed in October and November 1980 by Douglass W. Cassell Jr., on behalf of the ACLU, Richard M. Gutman, on behalf of the Alliance, and J. Charles Kruse, Department of Justice, on behalf of the federal defendants.

The notification to all of the plaintiffs of the proposed settlements was attempted by mail to each organization in Chicago on which the FBI or CIA has or had a file produced in the discovery process, individual notice to all members thereof to be done by officers of their organizations, and notice by publication in the two large daily newspapers in Chicago. In addition, more than 69,000 notices were mailed to individual plaintiffs in government furnished franked envelopes.

The FBI, while not admitting the plaintiffs' allegations, agreed generally that, in domestic security investigations and inquiries, it shall be concerned in the future only with conduct, and only such conduct as is criminal, and would not investigate any of the plaintiffs' activities protected by the First Amendment nor any right of the plaintiffs secured by the Constitution. It agreed not to defame or harass any "United States persons" in Chicago, and, when engaged in lawful conduct, it shall use minimal intrusive and information gathering techniques. The CIA agreed "to comply in Chicago with the U.S. Constitution and all operative Federal Statutes and Presidential Executive Orders and written CIA internal regulations and procedures." The plaintiffs who accepted the settlements, in return agreed that all of their claims would be dismissed with prejudice.

The court, noting that "no case has been cited to the court, and the court is aware of none, affording declaratory or injunctive relief against the CIA or FBI," did not grant such relief but noted that plaintiffs had been given, by this case, an "enforceable equivalent." The court gave no damages.

The court then dealt with objections by some of the plaintiffs that the settlement was so vague as to be a sham. The court noted that the plaintiffs' central claims are constitutional in nature, and hence require that "remedial principles of the settlement be generally framed." The court noted "binding interpretation will be made later—by the court—in the context of real disputes." The court also stated that if, as alleged, the CIA and the FBI continue to engage in prohibited practices, on which the court stated that it "expresses no opinion on the substance of these allegations," the plaintiffs can "bring their evidence before the court and, if warranted, obtain full discovery, and thereafter a ruling by the court on whether the activities in question are lawful."

The court then briefly dealt with other objections by certain plaintiffs to the settlements which it found to be generally without merit.

Larry Williams